mitigation, although some restoration of hydrology or enhancement opportunities also exist within the Corridor. For instance, the berms and excavations of the South Creek Water Management District have removed the floodplain functions of many of the parcels adjacent to South Creek. Exploration of hydrologic restoration through berm-breaching or other appropriate methods on suitable parcels, in order to reconnect portions of the Corridor to the flooding regime of South Creek, may provide different mitigation on some parcels. Site specific plantings on recently timbered pine plantation parcels may also provide enhancement credits.

7.0 LONG TERM MANAGEMENT AND ADAPTIVE MANAGEMENT

7.1 Long Term Management and Financial Assurances. According to RGL-05-1, detailed well-written special conditions and compliance requirements are usually sufficient to ensure functional success of mitigation without additional sureties or financial assurances. However, on a case by case basis, permits may be written that require financial assurances. Items that factor in to the Corps decision to require financial assurances may include among others, length of monitoring required, timing of mitigation, experience with permittee and/or consultant, and whether the project requires new technology or uses proven techniques. Financial assurances such as performance bonds, escrow accounts for mid-course corrections, or other components such as a schedule of project phases have not been required of PCS for past mitigation sites. However, legal or real estate instruments such as perpetual conservation easements once a site is deemed successful have been part of past permit conditions. Detailed plans prepared and approved for each PCS compensatory mitigation site will contain enough financial assurances to guarantee the basic integrity of the mitigation site during its development and for proper management after it has met permit conditions and success criteria.

7.2 Adaptive Management. Application of adaptive management principles to compensatory mitigation is included in the National Mitigation Action Plan, an interagency response to a widespread perception that Section 404 permitting and mitigation compliance has not upheld the goal of no net loss of wetlands. Adaptive management is an iterative process between the permittee and the regulatory agencies to establish clear goals and objectives, realistic and science-based success criteria, and a well-defined monitoring program. It is the proactive identification of potential risks to successful restoration of wetland functions and specification of the remediation activities to implement in order to reduce the risks or to increase the likelihood of success should such risks occur. Adaptive management principles entail the following steps: plan, act, monitor, evaluate, and adjust; however, the process does not necessarily imply perpetual maintenance. Consideration of potential responses to risks such as invasive species, structural failure, storms, offsite actions of third parties, and unexplained events would be part of every site specific detailed mitigation plan prepared by PCS.

7.3 Final Dispensation of Mitigation Sites. Perpetuity instruments and responsible parties for each successful mitigation site will be determined on a case-by-case basis over the course of the monitoring period, if not before. In some instances, responsible parties may be identified at the onset because of the particular attributes of a site (if site has long been on a wish list of the Nature Conservancy, for example). Public hunting would be a common end use for mitigation property, to compensate for lost hunting opportunities on mined land. The conservation easement for the Parker Farm wetland mitigation project is held by the North Carolina Wildlife Resources Commission (NCWRC), and has been placed in their Gamelands program. Because of other particular attributes of a site, such as invasive species or the need for controlled burning of a wet savanna, a maintenance plan might be necessary. However, PCS prefers that careful mitigation site selection and design would insure continued function beyond the success determination and would help to insure the need for minimal follow-up maintenance.

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